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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,406	07/27/2001	Saceda Khankhel.	IDF 1614 (4000-04800)	8871
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2616	
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			01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

34

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/916,406

Applicant(s)

KHANKHEL, SAEEDA

Examiner

Habte Mered

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on 12/18/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 5, 6, 8-15, 17-20, 22-26, and 28-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: Notice of References cited PTO-892.


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TECHNOLOGY CENTER 2600

Continuation of 5. Applicant's reply has overcome the following rejection(s): The 112 2nd paragraph rejections of claims 17-20 and 30. The prior art rejections for these claims still hold:

Continuation of 11. does NOT place the application in condition for allowance because: The after final amendment filed on 12/18/2006 has been fully considered. The Applicant contests the Examiner position on Green teaching a non-recirculating sort-trap stage for data cells on two grounds. It should be noted that "a non-recirculating sort-trap stage" is a limitation cited in all of the independent claims and is one of the main features that the Applicant considers as defining an improved switching architecture. The first argument presented by the Applicant in contesting Green's teachings of a non-recirculating sort-trap stage centers on the description given in Green Column 2:66 to Column 3:8. Essentially the Applicant is saying Green in this citation teaches a feedback operations that includes control information transferred from the output network 42 to the multicast network 38 to resolve contention at the input of the output network and the Applicant feels this specific citation teaches that Green's Figure 2 does not constitute a non-recirculating sort trap stage. The Examiner does not see any contradiction or confusion caused by the cited passage. In the Applicant claims there is nothing that says control cells are to be exchanged between different elements in only certain direction. For that matter there is no explanation provided by the Applicant how the input is going to know which output is busy verses available. Green is just describing how control cells/information is passed around and this aspect of Green's disclosure does not teach away from a non-recirculating sort-trap stage. The second argument Applicant presents centers around Green's mentioning of US Pat. No. 5, 287, 346 to Bianchini et al as a further means to explain the non-recirculating sort trap stage. Applicant indicates Bianchini in Figure 1 teaches away from non-recirculating sort-trap stage and hence Applicant feels Examiner may have misunderstood Green's Figure 2 explanation in the background section. Examiner still believes Green's Figure 2 teaches a non-recirculating sort-trap stage. Further it is Examiner's position that Bianchini supports Green's teaching of a non-recirculating sort-trap stage if one examines Column 4:65-67 he clearly shows that it is possible to place all data cells with non-unique address in a dedicated memory without sending them through the sort stage a second time based on J. Hui and E. Arthurs teachings but Bianchini indicates he prefers a circulating sort-trap stage as indicated in Column 5:1-5. Further, J. Hui and E. Arthurs, "A Broadband Packet Switch for Integrated Transport" on Page 1265 2nd Column, Section II, last two paragraphs and Page 1267 2nd column 2nd paragraph and Figures 4-6 shows that a nonunique data cell is simply saved in a buffer until the next clock cycle and all data cells go through the sorting network only once and effectively supports Green's teachings of Figure 2 which was used as a prior art by the Examiner. Further J.Hui supports the Examiner's understanding of how control information is passed around in Green's system and J.Hui clearly explains in great details the exchange of control information briefly described by Green even though the Applicant found it to be very confusing. Applicant needs to clearly distinguish in the claims how the teachings of Green, J. Hui, and Bianchini on non-recirculating sort-trap stage differs from that taught by the Applicant.